

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:08-cr-00016-MR**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>MATTHEW JAMES DURY,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	


**THIS MATTER** is before the Court on the Defendant's "Motion in Response to Document 238" [Doc. 240] and the Defendant's "Motion to This Court to Clarify [sic] the Validity of 18 U.S.C. § 1028(a)(1)(3)(4)(A)(ii)" [Doc. 241].

In the first of these motions, the Defendant offers a "response" to the Court's Order denying two of the Defendant's prior motions as unauthorized, successive petitions pursuant to 28 U.S.C. § 2255. [Doc. 240]. In his second motion, the Defendant seeks clarification regarding the validity of § 1028, which criminalizes the fraudulent use of identification documents. [Doc. 241]. Neither of these motions seeks cognizable relief and are frivolous. Accordingly, the Defendant's motions are denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's "Motion in Response to Document 238" [Doc. 240] and the Defendant's "Motion to This Court to Clarify [sic] the Validity of 18 U.S.C. § 1028(a)(1)(3)(4)(A)(ii)" [Doc. 241] are **DENIED**.

**IT IS SO ORDERED.**

Signed: May 25, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger  
Chief United States District Judge

